

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS DONNELLY, III, an individual, CIVIL DIVISION
Plaintiff, No.: 2:22-cv-00377

vs.

GENERAL ELECTRIC COMPANY, a
foreign entity; and JOENIC STEEL, LLC, a
foreign entity,

Defendants.

POST-DISCOVERY JOINT STATUS REPORT

AND NOW comes all of the parties in the above-captioned matter and through counsel and present the following post-discovery joint status report.

Background of Case

As the court is well aware, this case involves an incident which occurred when the plaintiff, Thomas Donnelly, III, was working at the Hilltop Energy location and he was struck by a piece of shipping steel. Mr. Donnelly was assisting in the installation of a component of the filter house known as an expansion joint and during the course of the lift, a piece of shipping steel disconnected from the expansion joint and fell striking Mr. Donnelly who was standing under the expansion joint as it was being lifted into place.

The plaintiff contends that the expansion joint was a defective product due to inadequate instructions, warnings, drawings and the absence of a splice plate to connect the two halves of the expansion joint together prior to lifting it into position. The plaintiff also alleges that the defendants acted in a negligent manner.

The expansion joint was part of the very large gas turbine power system which was provided by General Electric. Joenic Steel was a subcontractor to General Electric and provided the expansion joint along with other components all of which were manufactured in China.

General Electric and Joenic Steel have denied any liability and have filed crossclaims.

Procedural History

Subsequent to the filing of all pleadings, the parties engaged in extensive discovery which has included the exchange of thousands of documents, the taking of well over 20 depositions, and have exchanged expert reports. The plaintiffs have submitted five expert reports, including reports from Dr. Wright, a psychiatrist who performed an independent medical examination of the plaintiff, Dr. Kline, and orthopedic physician, Matthew Hanak, a forensic accountant, Daniel Baierl, a vocational expert, and a report authored by Dr. Lanning and Dr. Stichter, liability experts. General Electric and Joenic have submitted reports of Dr. Kramer, an orthopedic physician, Dr. Wettstein, a psychiatrist, Donna Kulick, a vocational expert, and Doug King, a forensic accountant. General Electric also has submitted expert reports on the issue of liability authored by Dr. Oliver and a separate report authored by Duane Cochran. Joenic Steel has submitted a separate liability expert report authored by Dr. David Bizzak. All of the expert witness depositions except for Dr. Kramer, who plaintiff's counsel elected not to depose, have been taken. At this point in time, all discovery has been completed pursuant to the most recent case management order.

As required by the court, at the very outset of the proceedings a mediation took place before Harry Paras. However, the parties were not able to resolve the matter due to the fact that there were multiple factual issues as well as legal issues which needed to be explored. In light of the completion of all discovery, the parties have selected David White to mediate the case and that mediation is scheduled for February 19, 2025. If the case can not be resolved at the mediation, it would be appropriate for the court to list the case for trial and issue a pretrial case management order.

AGREED TO:

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PROOF OF SERVICE / CERTIFICATE OF COMPLIANCE

This is to certify that a true and correct copy of the foregoing document has been served upon all parties on the date and in the manner listed below and I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

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Date: 12/19/2024

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JOENIC STEEL, LLC